

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEJUOSHO OLUSINA ADEWALE,

Plaintiff,

-V-

OLUBUNMI ADEOLA AKINTOYE *et al.*,

Defendants.

21 Civ. 9485 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

A hearing on Plaintiff's motion for default judgment, Dkts. 37-39, currently is scheduled for August 4, 2022, at 11:00 a.m., Dkt. 32. On June 3, 2022, the Court directed Plaintiff to file a letter, advising the Court as to whether Defendants Olubunmi Adeola Akintoye and Bumak African Stores were properly served with the summons and Complaint in this action pursuant to Federal Rule of Civil Procedure 4. *Id.* at 3. Specifically, the Court directed Plaintiff to paragraphs 4 and 5 of the Complaint, which allege that Defendant Olubunmi Adeola Akintoye resides at or conducts business from 455 Jackson Avenue, Bronx, New York 10455 and Bumak African Stores conducts business from 455 Jackson Avenue, Dkt. 7 ¶¶ 4-5, but Plaintiff appeared to have served these Defendants with the summons and Complaint by serving Defendant Oluranti Damilola Akintoye at 14544 Macbeth Drive, Silver Spring, Maryland 20906, *see* Dkts. 17, 19.

On June 8, 2022, counsel for Plaintiff filed a declaration, reattaching the affidavits of service that were previously filed on the docket. Dkt. 36 (the “Declaration”). The Declaration, however, does not appear to address the Court’s inquiry as to whether Defendants Olubunmi Adeola Akintoye and Bumak African Stores were properly served at the 14544 Macbeth Drive address, as previously directed by the Court in its June 3 Order. *See* Dkt. 32 at 3. On June 16,

2022, the Court received an email in its Chambers inbox from an individual purporting to represent Defendants as counsel in a related legal action commenced against them by Plaintiff in Nigeria. *See* Dkt. 40. The email indicates that Defendants intend to defend against Plaintiff's claims in this action pending before the undersigned. Defendants' Nigerian counsel advised Chambers that Defendants do not object to the Court sharing the email with Plaintiff nor filing the email on the docket.

Accordingly, it is hereby ORDERED that, by June 27, 2022, Plaintiffs shall submit supplemental briefing addressing the following:

- Whether Plaintiff properly served Defendants Olubunmi Adeola Akintoye and Bumak African Stores at the 14544 Macbeth Drive address even though the Complaint alleges that Defendant Olubunmi Adeola Akintoye resides at or conducts business from 455 Jackson Avenue and Bumak African Stores conducts business from 455 Jackson Avenue;
- If Plaintiff believes that Defendant Olubunmi Adeola Akintoye was properly served at the 14544 Macbeth Drive address, Plaintiff shall provide an explanation as to how service on Defendant Olubunmi Adeola Akintoye by serving Defendant Oluranti Damilola Akintoye at the 14544 Macbeth Drive address complies with Federal Rule of Civil Procedure 4, including Rule 4(e), which governs service on an individual within a judicial district of the United States;
- If Plaintiff believes that Defendant Bumak African Stores was properly served at the 14544 Macbeth Drive address, Plaintiff shall provide an explanation as to how service on Defendant Bumak African Stores by serving Defendant Oluranti Damilola Akintoye at the 14544 Macbeth Drive address complies with Rule 4, including Rule 4(h), which governs service on a corporation, partnership, or association; and

- Whether Plaintiff still intends to proceed with seeking default judgment against Defendants in light of the June 16, 2022 email sent to Chambers, in which Defendants' Nigerian counsel indicated that Defendants intend to defend against Plaintiff's claims in this action.

SO ORDERED.

Dated: June 21, 2022
New York, New York



JOHN P. CRONAN
United States District Judge